

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JONATHAN NNEBE, *et al.*,

Plaintiffs,

-v-

MATTHEW DAUS, *et al.*,

Defendants.

No. 06-cv-4991 (RJS)

ANTHONY STALLWORTH, *individually and
on behalf of all others similarly situated, et al.*,

Plaintiffs,

-v-

MEERA JOSHI, *et al.*,

Defendants.

No. 17-cv-7119 (RJS)

ORDER

RICHARD J. SULLIVAN, Circuit Judge:

The Court is in receipt of the parties' January 28, 2023 joint litigation plan, as well as the parties' May 3, 2023 and June 23, 2023 letters providing updates and clarifications to the litigation plan. (Doc. Nos. 573, 585, 589–90.)¹

In light of Defendants' consent, IT IS HEREBY ORDERED THAT the set of individual plaintiffs eligible for a trial on compensatory damages is extended to include Class Members who informed Class Counsel by January 27, 2023 of their desire to seek compensatory damages. (Doc. No. 566 at 2; Doc. No. 571.)

IT IS FURTHER ORDERED THAT the damages trial for the first twenty plaintiffs will take place in person between October 16, 2023 and October 24, 2023 before the Court and a jury,

¹ Unless otherwise noted, all record citations are to docket 06-cv-4991.

which will be tasked with determining (1) whether the individual plaintiffs would have requested a constitutionally adequate post-suspension hearing had it been available and known to them at the time of their suspension, (2) whether their licenses would have been reinstated as a result of said hearing, and (3) if so, what damages they suffered as a result of not being afforded said hearing. *See Warren v. Pataki*, 823 F.3d 125, 143 (2d Cir. 2016). The Clerk's Office has randomly selected the following twenty individual plaintiffs for the first trial: Olson Weekes, Willy J. Rodriguez, Ismoil Umarov, Carlos A Gonzabay, Nur I. Miah, Chingis Dashitsyrenov, Ayman I. Hamad, Ning Zhang, Junior Heredia Andrade, Kwasi Manu, Daniel A. Lasso, Rafael Manashirov, Raylel Y. Lorenzo-Grullon, Kevin Omalley, Khadim Diop, Abdoul Diane, Lenny A. Polanco, Dilawer Khan, Souleymane Diaby, and Kamara-Jai Njenga Warren. Should any of these individual plaintiffs be unable to participate in the first trial, they shall file affidavits with the Court explaining in detail the reasons for their unavailability no later than August 14, 2023. If the individual plaintiffs wish to waive their demand for a jury trial and instead opt for a bench trial, they shall inform the Court no later than August 14, 2023. The parties are directed to submit a joint proposed pretrial order, pursuant to the Court's Individual Rules and Practices, no later than September 15, 2023.

SO ORDERED.

Dated: July 25, 2023
New York, New York



RICHARD J. SULLIVAN
UNITED STATES CIRCUIT JUDGE
Sitting by Designation